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REMARKS

Claims 1-75 remain pending in the present application. In the April 22, 2004 Office Action, the Examiner rejected Claims 1-75 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,501,750 to Shaffer et al. in view of U.S. Patent No. 6,512,930 to Sandegren. For at least the reasons discussed below, Applicants respectfully traverse the rejection of Claims 1-75 and respectfully request the Examiner to withdraw the rejection of Claims 1-75.

Several of the pending claims have been amended to correct typographical errors.

The references relied upon by the Examiner do not disclose or suggest every limitation of the invention as claimed.

In order to establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03. In this case, Shaffer and Sandegren fail to satisfy this basic requirement.

With respect to the pending claims, Shaffer and Sandegren do not even recognize the problems associated with providing a callback notification to a wireless phone or with enabling a wireless phone to perform a callback operation, and indeed, fail to even discuss providing a callback notification to a wireless phone. Further, neither of the cited references recognizes the problems associated with a wireless phone attempting to call a phone line that is also used to access a computer network. For at least these reasons, the cited art fails to teach or suggest the invention as claimed.

For example, with respect to independent Claim 1, neither Shaffer nor Sandegren teach or suggest:

at least a first instruction configured to detect that a called party is accessing the Internet via a computer terminal using a first line;
at least a second instruction configured to determine when the first line is busy, wherein the first line is busy because the computer terminal is using the first line;
at least a third instruction configured to detect when the caller is using a wireless telephone to call the first line;
at least a fourth instruction configured to determine when the first line is idle based at least in part on determining that the computer terminal has ceased accessing the Internet; and
at least a fifth instruction configured to transmit a short message service (SMS) callback notification via email to the wireless telephone at least partly in response to the at least fourth instruction determining that the first line is idle, the callback notification including the called party's phone number.

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Indeed, by way of example, neither Shaffer nor Sandegren even disclose or suggest an instruction configured to transmit a short message service (SMS) callback notification via email to a wireless telephone. Further, because the Examiner's rejection failed to even argue that Shaffer or Sandegren teach or suggest an instruction configured to transmit a short message service (SMS) callback notification via email to a wireless telephone, and provided no motivation to so modify the combination of Shaffer and Sandegren, the Examiner has failed to meet the Examiner's burden of making a prima facie case of obviousness with respect to Claim 1.

Further, because Shaffer teaches the communication device 28 already includes a camp-on module 54 in order to enable camp-on capability (Shaffer, column 5, lines 38-43), there is no need or motivation to modify the communication device of Shaffer so as to include an instruction configured to transmit a short message service (SMS) callback notification via email to a wireless telephone.

Still further, it appears that the communication device 28 illustrated in Figure 1 and in Figure 2 of Shaffer, includes at least a computer having standard computer components (column 5, lines 22-45) as well as a camp-on module 54, a dialer client 42, monitoring module 52, and a modem 40. The Examiner has failed to demonstrate that the mobile station 101 illustrated in Figure 1 of Sandegren, which does not appear to include a camp-on module, or to provide any mechanism to include the camp-on module 54 of Shaffer, can be utilized to provide the camp-on process of Shaffer.

Similarly, with respect to Claim 2, neither Shaffer nor Sandegren teach or suggest an instruction configured to transmit a message to a computer terminal, the message including a phone number associated with the wireless phone. Further, because the Examiner's rejection failed to even argue that Shaffer or Sandegren teach or suggest an instruction configured to transmit a message to a computer terminal, the message including a phone number associated with the wireless phone, and provided no motivation to so modify Shaffer, or the combination of Shaffer and Sandegren, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 2.

Similarly, with respect to Claim 3, neither Shaffer nor Sandegren teach or suggest an instruction configured to transmit a voice message from the caller over the Internet using Voice Over Internet Protocol to a computer terminal. Further, because the Examiner's rejection failed

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to even argue that Shaffer or Sandegren teach or suggest an instruction configured to transmit a voice message from the caller over the Internet using Voice Over Internet Protocol to a computer terminal, and provided no motivation to so modify Shaffer, or the combination of Shaffer and Sandegren, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 3.

Similarly, with respect to Claim 4, neither Shaffer nor Sandegren teach or suggest an instruction configured to determine if an SMS message transmission failed. Further, because the Examiner's rejection failed to even argue that Shaffer or Sandegren teach or suggest an instruction configured to determine if a SMS message transmission failed, and provided no motivation to so modify the combination of Shaffer and Sandegren, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 4.

Similarly, with respect to Claim 5, neither Shaffer nor Sandegren teach or suggest an instruction configured to determine if an SMS message transmission failed because an email address is unknown or an instruction configured to store an indication that no further messages are to be sent to the unknown email address. Further, because the Examiner's rejection failed to even argue that Shaffer or Sandegren teach or suggest an instruction configured to determine if an SMS message transmission failed because an email address is unknown or an instruction configured to store an indication that no further messages are to be sent to the unknown email address, and provided no motivation to so modify the combination of Shaffer and Sandegren, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 5.

Similarly, with respect to Claim 6, neither Shaffer nor Sandegren teach or suggest an instruction configured to determine if an SMS message transmission failed because a mailbox associated with a wireless telephone is full and to store an indication that the SMS message transmission failed as a result of a transient condition. Further, because the Examiner's rejection failed to even argue that Shaffer or Sandegren teach or suggest an instruction configured to determine if an SMS message transmission failed because a mailbox associated with a wireless telephone is full and to store an indication that the SMS message transmission failed as a result of a transient condition, and provided no motivation to so modify the combination of Shaffer and Sandegren, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 6.

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Similarly, with respect to Claim 7, neither Shaffer nor Sandegren teach or suggest an instruction configured to determine a phone number for the wireless telephone as claimed. Further, because the Examiner's rejection failed to even argue that Shaffer teaches or suggests an instruction configured to determine a phone number for the wireless telephone, and provided no motivation to so modify Shaffer, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 7.

Similarly, with respect to Claim 8, neither Shaffer nor Sandegren teach or suggest an instruction configured to determine an email address associated with the wireless telephone. Further, because the Examiner's rejection failed to even argue that Shaffer or Sandegren teach or suggest an instruction configured to determine an email address associated with the wireless telephone, and provided no motivation to so modify Shaffer, or the combination of Shaffer and Sandegren, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 8.

Similarly, with respect to Claim 10, neither Shaffer nor Sandegren teach or suggest an instruction configured to transmit a second notification to the wireless telephone before transmitting a first notification, the second notification asking the caller if the caller wants to receive the first notification. Further, because the Examiner's rejection failed to even argue that Shaffer or Sandegren teach or suggest an instruction configured to transmit a second notification to the wireless telephone before transmitting a first notification, the second notification asking the caller if the caller wants to receive the first notification, and provided no motivation to so modify Shaffer, or the combination of Shaffer and Sandegren, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 10.

With respect to Claim 11, neither Shaffer nor Sandegren teach or suggest:

detecting a presence of a first subscriber communicating on a computer network via a first computer terminal, wherein the first computer terminal communicates over the computer network using a first telecommunications line associated with a first telephone number;

receiving a first call from a first caller calling via a wireless station, wherein the first call was initially directed to the first telecommunications line and then forwarded to a second telecommunications line because the first telecommunications line is busy, wherein the first telecommunications line is busy because the first computer terminal is using the first telecommunications line;

receiving signaling information associated with the first call, the signaling information including at least a second telephone number, the second telephone number associated with the wireless station;

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*determining when the first subscriber has ceased communicating on the computer network using the first computer terminal; and
transmitting to the wireless station a message at least partly in response to determining that the first subscriber has ceased communicating on the computer network, the message including an instruction related to calling back the first telephone number*

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, receiving a first call from a first caller calling via a wireless station, wherein the first call was initially directed to the first telecommunications line and then forwarded to a second telecommunications line because the first telecommunications line is busy, wherein the first telecommunications line is busy because the first computer terminal is using the first telecommunications line. The Examiner also failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, receiving signaling information associated with the first call, the signaling information including at least a second telephone number, the second telephone number associated with the wireless station or determining when the first subscriber has ceased communicating on the computer network using the first computer terminal and transmitting to the wireless station a message at least partly in response to determining that the first subscriber has ceased communicating on the computer network, the message including an instruction related to calling back the first telephone number. Therefore, with respect to Claim 11, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 12 to 21, which depend from Claim 11.

With respect to independent Claim 22, neither Shaffer nor Sandegren teach or suggest:

*detecting a presence of a first subscriber accessing a computer network via a first computer terminal connected to a first telephone line;
receiving from a calling telephone station a forwarded call intended by a caller for the first telephone line;
receiving signaling information associated with the forwarded call, the signaling information including at least a telephone number associated with the calling telephone station;
providing an indication to the calling telephone station that the first telephone line is busy;
determining when the first subscriber is no longer accessing the computer network via the first computer terminal; and
at least partly in response to determining that the first subscriber is no longer accessing the computer network via the first computer terminal, transmitting a*

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first notification to the first caller, the first notification including callback information.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, receiving from a calling telephone station a forwarded call intended by a caller for the first telephone line or receiving signaling information associated with the forwarded call, the signaling information including at least a telephone number associated with the calling telephone station. Therefore, with respect to Claim 22, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 23 to 32, which depend from Claim 22.

With respect to independent Claim 33, neither Shaffer nor Sandegren teach or suggest:

*detecting that a first user is accessing a computer network using a first line;
detecting that a second user is calling the first user when the first user's line is busy and the first user is accessing the computer network;
determining that the second user is calling using a wireless station;
detecting that the first user has ceased accessing the computer network; and
at least partially in response to detecting that the first user has ceased accessing the computer network, enabling the second user to call the first line via the wireless station using a single key entry.*

as claimed.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, detecting that the first user has ceased accessing the computer network, and at least partially in response to detecting that the first user has ceased accessing the computer network, enabling the second user to call the first line via the wireless station using a single key entry. Therefore, with respect to Claim 33, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 32 to 39, which depend from Claim 33.

With respect to independent Claim 40, neither Shaffer nor Sandegren teach or suggest:

*a first instruction configured to detect when a first user is accessing a computer network using a first line;
a second instruction configured to detect when a second user is calling the first user when the first line is busy;*

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a third instruction configured to determine that the second user is calling using a wireless station;
a fourth instruction configured to detect that the first user has ceased accessing the computer network; and
a fifth instruction configured to transmit callback information to the wireless station at least partially in response to the fourth instruction detecting that the first user has ceased accessing the computer network.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, an instruction configured to detect that the first user has ceased accessing the computer network, and an instruction configured to transmit callback information to the wireless station at least partially in response to the instruction detecting that the first user has ceased accessing the computer network. Therefore, with respect to Claim 40, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 41 to 45, which depend from Claim 40.

With respect to independent Claim 46, neither Shaffer nor Sandegren teach or suggest:

receiving over a network presence information from a client application executing on a computer system accessing a first telephone line;
receiving on a second telephone line a call intended by a caller to be connected to the first telephone line, wherein the call was forwarded to the second telephone line at least in part due to the computer system accessing the first telephone line;
determining that computer system has ceased accessing the first telephone line;
and
transmitting a text notification to the caller at least partly in response to determining that computer system has ceased accessing the first telephone line.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, receiving on a second telephone line a call intended by a caller to be connected to the first telephone line, wherein the call was forwarded to the second telephone line at least in part due to the computer system accessing the first telephone line or transmitting a text notification to the caller at least partly in response to determining that computer system has ceased accessing the first telephone line. Therefore, with respect to Claim 40, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 47 to 54, which depend from Claim 46.

With respect to independent Claim 55, neither Shaffer nor Sandegren teach or suggest:

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*receiving over a network presence information from a client application executing on a computer system accessing a first telephone line;
receiving on a second telephone line a call intended by a caller to be connected to the first telephone line, wherein the call was forwarded to the second telephone line at least in part due to the computer system accessing the first telephone line;
determining that computer system has ceased accessing the first telephone line; and
bridging a call between the first telephone line and the caller at least partly in response to determining that computer system has ceased accessing the first telephone line.*

as claimed. Indeed, neither Shaffer nor Sandegren even mention call bridging.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, receiving on a second telephone line a call intended by a caller to be connected to the first telephone line, wherein the call was forwarded to the second telephone line at least in part due to the computer system accessing the first telephone line, determining that computer system has ceased accessing the first telephone line, and bridging a call between the first telephone line and the caller at least partly in response to determining that computer system has ceased accessing the first telephone line. Therefore, with respect to Claim 55, the Examiner has again failed to make a prima facie case of obviousness.

With respect to independent Claim 56, neither Shaffer nor Sandegren teach or suggest:

*a call manager system configured to receive presence information from a client application executing on a computer system accessing a first telephone line, and configured to receive a forwarded call intended by a caller to be connected to the first telephone line, wherein the call manager is further configured to determine that the computer system has ceased accessing the first telephone line and to transmit a notification to the caller at least partly in response to determining that computer system has ceased accessing the first telephone line; and
the client application, wherein the client application is configured to provide the presence information to the call manager system.*

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, a call manager system configured to receive presence information from a client application executing on

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a computer system accessing a first telephone line, and configured to receive a forwarded call intended by a caller to be connected to the first telephone line, wherein the call manager is further configured to determine that the computer system has ceased accessing the first telephone line and to transmit a notification to the caller at least partly in response to determining that computer system has ceased accessing the first telephone line. Therefore, with respect to Claim 56, the Examiner has again failed to make a prima facie case of obviousness.

With respect to independent Claim 57, neither Shaffer nor Sandegren teach or suggest:

receiving over a switched network at a call processing system a first call from a caller intended for a called party;

determining that a telecommunications line associated with the called party is unavailable to take the call;

determining that the caller is using a wireless station;

providing a text indication to the caller via the wireless station that the called party is unavailable;

determining that the telecommunications line associated with the called party is available to take at least a first call; and

at least partly in response to determining that the telecommunications line associated with the called party is available to take at least a first call, transmitting a notification to the wireless station, the notification including callback information.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, determining that a telecommunications line associated with the called party is unavailable to take the call, determining that the caller is using a wireless station, providing a text indication to the caller via the wireless station that the called party is unavailable. Therefore, with respect to Claim 57, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 58 to 62, which depend from Claim 57.

With respect to independent Claim 63, neither Shaffer nor Sandegren teach or suggest:

receiving a first call from a first caller calling via a wireless phone, wherein the first call was initially directed to a first telecommunications line associated with a first telephone number, and then forwarded to a second telecommunications line as a result of a first condition; and

transmitting to the wireless phone a short message service (SMS) message at least partly in response to determining that the first subscriber is available to receive a

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second call, the message including an instruction related to connecting to the first telecommunications line.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, receiving a first call from a first caller calling via a wireless phone, wherein the first call was initially directed to a first telecommunications line associated with a first telephone number, and then forwarded to a second telecommunications line as a result of a first condition, and transmitting to the wireless phone a short message service (SMS) message at least partly in response to determining that the first subscriber is available to receive a second call, the message including an instruction related to connecting to the first telecommunications line. Therefore, with respect to Claim 63, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 64 to 71, which depend from Claim 63.

With respect to independent Claim 72, neither Shaffer nor Sandegren teach or suggest:

a call bridging system configured to:

determine that a called party is unavailable to receive a first call from a wireless telephone;

determine that the called party has become available to receive the first call;

transmit a text notification to the wireless telephone indicating that the called party has become available;

receive an indication via the wireless phone that the caller wants to be connected to the called party;

initiate a second call to the called party and a third call to the wireless telephone at least partly in response to the indication;

cause the second call and the third call to be bridged; and

a telephone line interface coupled to the call bridging system, the telephone line interface used to place at least one of the second and third calls.

Further, the Examiner failed to even argue that the combination of Shaffer and Sandegren discloses or suggests, by way of example, a call bridging system configured to determine that a called party is unavailable to receive a first call from a wireless telephone, determine that the called party has become available to receive the first call, transmit a text notification to the wireless telephone indicating that the called party has become available, receive an indication via the wireless phone that the caller wants to be connected to the called party, initiate a second call to the called party and a third call to the wireless telephone at least partly in response to the

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indication, cause the second call and the third call to be bridged, and a telephone line interface coupled to the call bridging system, the telephone line interface used to place at least one of the second and third calls. Therefore, with respect to Claim 63, the Examiner has again failed to make a prima facie case of obviousness. Applicants further respectfully submit that the Examiner failed to make a prima facie case of obviousness with respect to Claims 73 to 75, which depend from Claim 72.

Summary

In view of the foregoing remarks and amendments, Applicants respectfully submit that Claims 1-75 are patentably distinct over the cited art and are in condition for allowance. Applicants therefore respectfully request allowance of Claims 1-75.

Request for Telephone Interview

If there are any issues that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned attorney of record at (310) 407-3461 or at the number set forth below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 7, 2004

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